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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE: MERCK & CO., INC. SECURITIES,  
DERIVATIVE & "ERISA" LITIGATION

MDL No. 1658 (SRC)  
Case No. 2:05-CV-2367-SRC-CLW

This Document Relates To:  
*Deka Investment GmbH, et al. v.*  
*Merck & Co., Inc., et al.*

Case No. 2:07-cv-4022

**STIPULATION OF VOLUNTARY DISMISSAL OF CLAIMS ASSERTED BY  
PLAINTIFF INTERNATIONAL FUND MANAGEMENT S.A. PURSUANT TO  
FED RULE CIV. PROC. 41(a)(1)(A)(ii)**

WHEREAS Plaintiff International Fund Management S.A. ("Plaintiff") wishes to voluntarily dismiss the above-referenced action in its entirety pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;

WHEREAS Defendants, by and through their respective counsel, have agreed to Plaintiff's request to voluntarily dismiss this action with prejudice as to Plaintiff's rights to file any future action against Defendants arising out of the same facts, transactions or occurrences as the claims asserted in the above-captioned action, but without prejudice as to Plaintiff's rights to seek to pursue claims as members of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW) (Dkt. Nos. 472-473), including seeking to participate in any settlement or judgment obtained on behalf of such Class; and

WHEREAS all parties have agreed to bear their own costs and attorneys' fees incurred in connection with this action;

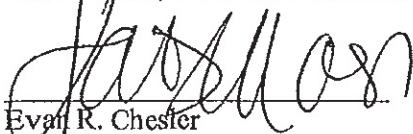
IT IS HEREBY STIPULATED AND AGREED, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and upon the stipulation and agreement of the parties, by and through their respective counsel, that the above-captioned action is hereby DISMISSED with prejudice to the filing of any future action by Plaintiff against Defendants arising out of the same facts, transactions or occurrences as the claims asserted in the above-captioned action, and without prejudice to Plaintiff's right to seek to pursue claims as members of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW), including seeking to participate in any settlement or judgment obtained on behalf of such Class, with all parties to bear their own costs and attorneys' fees. The parties reserve their respective rights to make any arguments with respect to any application by Plaintiff to pursue claims as members of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW), except that the parties shall not cite either the fact of filing the above-

captioned action or the fact of its dismissal pursuant to this Stipulation as an argument for, or against, participation in the Class.

**STIPULATED AND AGREED:**

Dated: June 18, 2013

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Dated: June 18, 2013

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*Counsel for Defendant Dr. Edward M. Scolnick*

**SO ORDERED** this \_\_\_ day of June 2013

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Hon. Stanley R. Chesler  
United States District Judge